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HEALTHCARE CENTER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

| | | |
|---|---|---------------------------------------|
| PATRICK DOOLEY, individually and as the |) | Case No.: 15-CV-03038 SBA |
| Successor in –Interest to the decedent Robert |) | |
| Dooley; |) | JOINT STIPULATION AND ORDER TO |
| |) | CONTINUE INITIAL CONFERENCE |
| Plaintiffs, |) | |
| vs. |) | |
| GRANCARE, LLC dba CREEKSIDE |) | DATE: January 14, 2016 |
| HEALTHCARE CENTER and DOES 1 |) | TIME: 2:45 p.m. |
| through 200, inclusive, |) | COURTROOM: 210, 2 nd Floor |
| Defendant |) | |
| |) | Judge: Hon. Sandra Brown Armstrong |

WHEREAS, on November 5, 2015, this Court DENIED Plaintiffs’ Motion for Remand without prejudice to Plaintiffs filing a Motion to join former Defendant Janet Rotich in accordance with 28 U.S.C. §1447(e). Before filing such a motion, however, this Court reminded the parties of their respective obligations to “meet and confer.”

WHEREAS, pursuant to the above-stated obligation, the parties have engaged in numerous telephone conversations regarding Plaintiffs’ need to amend the Complaint to identify a new Plaintiff given the death of Patrick Dooley along with Plaintiffs’ desire to file a Motion to join former Defendant Janet Rotich.

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1 WHEREAS, in addition to the above, the parties have discussed a potential discovery
2 plan to include written discovery and depositions. The parties have also discussed the potential
3 for mediation.

4 WHEREAS, the parties desire to participate in voluntary private mediation prior to
5 incurring the cost and expense of filing for a Motion to Amend the Complaint, or filing a
6 Motion to join Janet Rotich, or engage in discovery.

7 THEREFORE, it is stipulated between the parties as follows:

- 8 1. The parties all agree to participate in voluntary private mediation by January 31,
9 2016.
- 10 2. The Court will continue the initial conference to a date convenient for the Court's
11 calendar that occurs after January 31, 2016.
- 12 3. The parties will not engage in any disclosures pursuant to F.R.C.P. Rule 26, or other
13 discovery, until such time as the Court orders following the continued initial
14 conference.
- 15 4. This stipulation and order along with the continuation of the initial conference shall
16 not affect Plaintiffs' right to Amend the Complaint to identify new Plaintiffs or to
17 file a Motion to join Janet Rotich as a Defendant.

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19 **IT IS SO STIPULATED:**
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21 Dated: December 14, 2015

THE PECK LAW GROUP

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23 By: /s/ Adam Peck
24 Adam Peck
25 COUNSEL FOR PATRICK DOOLEY,
26 individually and as the Successor in –Interest to the
27 decedent Robert Dooley
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1 Dated: December 14, 2015

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3 By: /s/ Thomas C. Swann
4 Alexander F. Giovanniello
5 Thomas C. Swann
6 COUNSEL FOR GRANCARE, LLC dba
7 CREEKSIDE HEALTHCARE CENTER

8 **IT IS SO ORDERED:**

- 9 1. The Court continues the Initial Conference to 02/17/2016, at 2:45 PM
- 10 2. The parties shall participate in voluntary private mediation prior to January 31, 2016.
- 11 3. The parties shall refrain from participating in discovery, or its initial disclosures,
12 until further discussed between the parties and the Court at the Initial Conference.
- 13 4. This Order shall not prejudice Plaintiffs' right to file an amendment to the Complaint
14 to identify new Plaintiffs or to file a Motion to Join Janet Rotich as a Defendant
15 pursuant to this Court's previous order.

16 Dated: 12/15, 2015


17 Judge of the United States District Court –
18 Northern District of California
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